

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

KOVA COMMERCIAL OF
NAPLES, LLC,

Plaintiff,

v.

Case No.: 2:23-cv-614-JES-KCD

TODD SABIN,

Defendant.

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ORDER

Plaintiff Kova Commercial of Naples, LLC moves to file redacted copies of certain exhibits to its complaint and motion for preliminary injunction. (Doc. 29.) Alternatively, if redacting is not an option, Kova asks to file the exhibits under seal. The motion is unopposed. (*Id.* at 26.)

Although a district court has “supervisory power over its own records and files,” that power must be used responsibly to balance the public's right of access with interests favoring confidentiality. *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 598 (1978). “Material filed in connection with any substantive pretrial motion, unrelated to discovery, is subject to the common law right of access,” which includes the right to inspect and copy public records and documents. *Romero v. Drummond Co.*, 480 F.3d 1234, 1245 (11th Cir. 2007). But this right of access is not absolute. It “may be overcome by a showing of

good cause,” taking into consideration the public interest in accessing court documents and the party's interest in keeping the information confidential. *Id.* at 1245-46. In particular, “[a] party's privacy or proprietary interest in information sometimes overcomes the interest of the public in accessing the information.” *Id.* at 1246.

Kova has demonstrated good cause. This is a business dispute that requires the disclosure of confidential and proprietary business information. As numerous courts have recognized, disclosure of sensitive material, like here, can result in competitive harm. To protect those interests, it is appropriate to limit public access for the time being. *See, e.g., NXP B.V. v. Rsch. In Motion, Ltd.*, No. 6:12-CV-498-ORL-22, 2013 WL 4118053, at *2 (M.D. Fla. Aug. 12, 2013). Accordingly, it is now **ORDERED**:

1. Kova's Unopposed Motion for Leave to Redact or, in the Alternative, to File Under Seal (Doc. 29) is **GRANTED** to the extent that Kova may file redacted copies of the identified exhibits.

2. Kova's motion is **DENIED** to the extent it seeks any different relief.

ENTERED in Fort Myers, Florida on September 8, 2023.


Kyle C. Dudek
United States Magistrate Judge